

09/18/2006 MON 9:54 FAX

RECEIVED
CENTRAL FAX CENTER

002/015

SEP 18 2006

Application/Control Number: 10/784,416
Art Unit: 3733

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/784,416	Confirmation No:	1876
Applicant :	Randal T. Byrum	Filed :	February 20, 2004
TC/A.U.:	3733	Examiner :	Jessica Baxter
Docket No.:	END5084USNP	Customer No.:	000027777

Title : **A SURGICALLY IMPLANTABLE ADJUSTABLE
BAND HAVING A FLAT PROFILE WHEN IMPLANTED**

Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

PETITION FOR ONE MONTH EXTENSION OF TIME

Dear Sir:

The Commissioner is petitioned to grant a One month extension of time, and is authorized to charge the fee of \$120 to Johnson & Johnson Deposit Account No. 10-0750/END5084USNP/DLG. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/END5084USNP/DLG.

In response to the Office action of May 17, 2006, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

09/19/2006 EFLORES 00000041 100750 10784416
01 FC:1251 120.00 DA

Application/Control Number: 10/784,416
Art Unit: 3733

perpendicular to said longitudinal axis; further comprising a means for attaching said distal and proximal ends of said band together (13, 19); an injection port (14) in fluid communication with said inflatable portion."

All of the claims of the present Application recite the limitation of:

"said band portion has a concave cross section taken perpendicular to said longitudinal axis"

This concave nature is clearly shown in the cross-section of figure 2. Nowhere in the Examiner's description of the two above referenced prior art documents does he point out this feature. In fact, this feature is not disclosed by the prior art references cited by the examiner. To make this feature more clear, the claim has been amended to state that the band portion has this concave cross section "along a majority of its longitudinal axis".

Applicants submit that all claims are now fully allowable over the prior art cited by the Examiner. Therefore, Applicants respectfully request that the Examiner re-examine and favorably reconsider Applicants' claims in the form of a Notice of Allowance.

Respectfully submitted,

By: /Dean Garner/
Dean L. Garner, Esq.
Reg. No. 35,877
Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-8559

Date: September 15, 2006